

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

ULTRASONIC POWER CORPORATION,

Plaintiff,

v.

CREST ULTRASONICS CORP.,

Defendant.

CIVIL ACTION NO. 07-CV-50220

Judge Frederick J. Kapala

Magistrate Judge P. Michael Mahoney

**DECLARATION OF FRANK L. POLITANO**

I, Frank L. Politano, hereby declare:

1. I am an attorney admitted to practice law in the State Courts of New Jersey and New York.
2. I am a member of the firm of Kirkpatrick & Lockhart Preston Gates Ellis, LLP, attorneys for defendant Crest Ultrasonic Corporation (“Crest” or “Defendant”) in the above-captioned matter. I have personal knowledge of the facts set forth herein and submit this Declaration in support of Defendant’s motion to transfer venue of this action from this District to the District of New Jersey, Trenton Vicinage.
3. On or about April 11, 2008, I performed a search of the United States Patent and Trademark Office’s Trademark Electronic Search System (TESS) – located at “<http://tess2.uspto.gov/bin/gate.exe?f=tess&state=a54tim.1.1>” – for all registration materials related to “Vibra-Bar.”
4. The results generated from this search provided a link to “Trademark Document Retrieval” (TDR), which provides all documents related to the “Vibra-Bar” registration (Reg. No. 1,347,440) that the United State Patent and Trademark Office has on its electronic system.

Specifically, this search provided the initial application by Plaintiff Ultrasonic Power Corporation for registration of "Vibra-Bar." Attached hereto as Exhibit A is a true and accurate copy of the VIBRA-BAR Application (Ser. No. 73/506,519) dated October 31, 1984.

5. The "Vibra-Bar" Application was prepared by the law firm of Sperry Zoda & Kane, which represented Plaintiff at that time. Sperry, Zoda & Kane still actively practices law in the State of New Jersey, as represented on its website – <http://www.johnjkane.com/>. Attached hereto as Exhibit B is a true and accurate copy of the homepage of the law firm of Sperry, Zoda & Kane (as of April 18, 2008).

6. Attached hereto as Exhibit C is a true and correct copy of *Household Fin. Servs., Inc. v. Prestige Fin. Servs. Corp.*, No. 99 C 1756, 1999 WL 608705 (N.D. Ill. Aug. 6, 1999).

7. Attached hereto as Exhibit D is a true and correct copy of *Interlochen Center for the Arts v. Interlocken Int'l Camp, Inc.*, Case No. 01 C 7082, 2002 U.S. Dist. LEXIS 17298 (N.D. Ill. Sept. 12, 2002).

8. I declare under penalty of perjury that the foregoing is true and correct.



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FRANK L. POLITANO

**DATED: April 18, 2008**